



Crl.M.P.No.13545 of 2022 in Crl.A.No.182 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 15.09.2022

PRONOUNCED ON : 27.09.2022

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

AND

THE HONOURABLE Mr.JUSTICE RMT.TEEKAA RAMAN

Crl.M.P.No.13545 of 2022 in Crl.A.No.182 of 2022

Padmanathan

.. Petitioner/A1

Vs.

State rep. by
The Inspector of Police
Sirkazhi Police Station
Sirkazhi Taluk
Nagapattinam District
(Cr. No.166/2014)

.. Respondent/Complainant

Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C. to suspend the sentence made in S.C.No.137 of 2015 on the file of the Court of Session, Nagapattinam dated 17.08.2021 and enlarge the petitioner on bail pending disposal of the appeal.

For Petitioner : Mr.D.Veerasekaran

For Respondent : Mr.R.Muniyapparaj
Additional Public Prosecutor



ORDER

P.N.PRAKASH, J.

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The petitioner viz., Padmanathan (A1) faced a prosecution along with his father Veeramuthu (A2), in S.C.No.137 of 2015, in which they were convicted and sentenced on 17.08.2021 by the Sessions Judge, Nagapattinam as under :

<i>Name of the Accused</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Padmanathan (A1)	Section 294(b) IPC	Simple imprisonment for one month and fine of Rs.500/-, in default to undergo simple imprisonment for one week
	Section 302 IPC	Imprisonment for life and fine of Rs.1,000/-, in default to undergo simple imprisonment for three months
Veeramuthu (A2)	Section 294(b) IPC	Simple imprisonment for one month and fine of Rs.500/-, in default to undergo simple imprisonment for one week
	Section 302 IPC	Imprisonment for 3 years and fine of Rs.5,000/-, in default to undergo simple imprisonment for three months
The aforesaid sentences were ordered to run concurrently.		

Challenging the above conviction and sentences, the petitioner (A1) has filed Crl.A.No.182 of 2022 along with the instant miscellaneous petition seeking suspension of sentence and bail.

2. It is seen that Veeramuthu (A2) has filed Crl.A.No.614 of 2021 challenging the above conviction and sentences along with Crl.M.P.No.12691 of 2021 seeking suspension of sentence and bail, in which, this Court, by order dated 13.12.2021, granted suspension of sentence and bail.



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3. Heard Mr.D.Veerasekaran, learned counsel for the petitioner and Mr.R.Muniyapparaj, learned Additional Public Prosecutor appearing for the respondent State.

4. It is the case of the prosecution that the petitioner (A1) and the deceased *viz.*, Apparasu were neighbours and they were having a dispute in respect of a common pathway on the eastern side of the house of the petitioner (A1). On 08.04.2014, while the deceased and one Murugan (P.W.1) were cleaning the common pathway around 11.00 a.m., the petitioner (A1) came to the place along with his father Veeramuthu (A2) armed with billhooks and picked up a quarrel with the deceased and the petitioner (A1) attacked the deceased fatally. The petitioner's (A1's) father Veeramuthu (A2) attacked Murugan (P.W.1) and caused injuries to him.

5. The petitioner (A1) has raised substantial grounds in the appeal, which require detailed appraisal. Considering the fact that the petitioner (A1) is in incarceration for more than a year and that the co-accused *viz.*, Veeramuthu (A2) has been enlarged on bail, this Court is of the view that the petitioner (A1) is entitled to the relief of suspension of sentence.



6. Accordingly, this criminal miscellaneous petition stands allowed and the relief of suspension of sentence and bail is granted to the petitioner (A1) on the following conditions:

- (i) The petitioner shall execute a bond for a sum of Rs.25,000/-, with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Sessions Judge, Nagapattinam ;
- (ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhaar card or Bank pass book and mobile number to ensure their identity; and
- (iii) The petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the disposal of the appeal and if he is not able to appear before the trial Court on any day, they shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

[P.N.P., J.] [TKR,J.]

27.09.2022

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1.The Sessions Judge
Nagapattinam

2.The Inspector of Police
Sirkazhi Police Station
Sirkazhi Taluk
Nagapattinam District

3.The Superintendent
Central Prison
Cuddalore

4.The Public Prosecutor
High Court
Madras



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